HOBSON V. WILSON

VOL Miscellaneous
Court Motions, 1981

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JULIUS HOBSON, et al., Plaintiffs,	)	
v.	)	Civil Action No. 76-1326
JERRY WILSON, et al., Defendants.	)	

NOTICE OF DEPOSITIONS

PLEASE TAKE NOTICE that, pursuant to Rule 30(b)(4) of the Federal Rules of Civil Procedure, plaintiffs, by their attorneys, will take the oral depositions, by non-stenographic means, in the manner prescribed by the Court, in the offices of the Washington Peace Center, 2111 Florida Avenue, N.W., Washington, D.C., of the defendants stated below according to the indicated schedule.

Tuesday, May 26, 1981

10 a.m. Ann Kolego Markovich NO SHOW

3 p.m. Edward J. Jagen ✓

Wednesday, May 27, 1981

10 a.m. James Binsted

3 p.m. Dorie Binsted

Thursday, May 28, 1981

10 a.m. Carl Shoffler

3 p.m. Dixie Gildon

Friday, May 29, 1981

10 a.m. Christopher J. Scrapper

3 p.m. John W. Mahaney

Anne Pilsbury

Anne Pilsbury
17 Danforth Street
Norway, Maine 02468
(207) 925-1144

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Executive Director
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600 Pennsylvania Ave., S.E.
Washington, D.C. 20003
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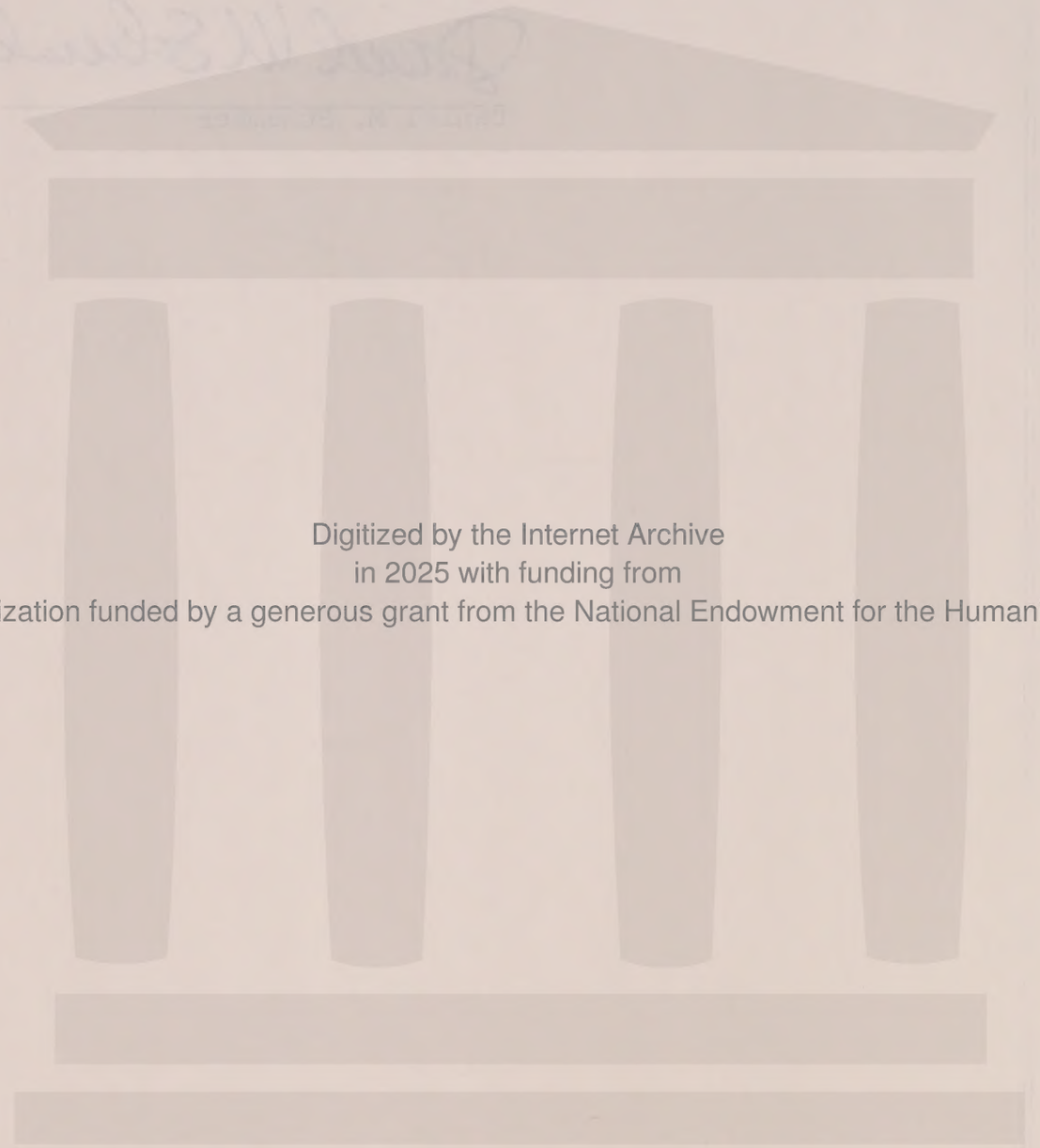
CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Notice of Depositions was personally served this 19th day of May, 1981 on William Earl, Assistant Corporation Counsel, District of Columbia Building, 14th and E Streets, N.W., Washington, D.C. 20004 and David H. White, Civil Division, Department of Justice, Washington, D.C. 20530.

Daniel M. Schember



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UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

RECEIVED
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JULIUS HOBSON, et al.,

Plaintiffs,

v.

JERRY WILSON, et al.,

Defendants.

Civil Action No. 76-1326

MEMORANDUM BY FEDERAL DEFENDANTS ON INFORMANT PRIVILEGE AND ON ADMISSIBILITY OF THE CHURCH COMMITTEE REPORT AND THE WINKLEMAN REPORT

This Court has requested the federal defendants to comment by memorandum on a certain aspect of the informant privilege and on whether portions of the April, 1976, Church Committee Report and the so-called Winkleman Report are admissibile as evidence in this civil action.

I. Informant Privilege

Having heard testimony regarding the activities of one Steve Wilcox, the Court requested that counsel for the federal defendants submit written argument with respect to this hypothetical situation:*/

If, in an action for damages, evidence has been presented from which the jury may infer that a person has committed actionable conduct, such as intentional mishandling of a checking account, may the government invoke privilege with regard to whether that person was an informant.

The considerations underlying the informant privilege have been articulated in this Circuit in Black v. Sheraton Corporation of America, 564 F.2d 550 (D.C. Cir. 1977), and in the Second

*/ The hypothetical circumstance set forth in the text is not a direct quote of this Court's request, but it is believed that this paraphrase accurately reflects the tenor of the Court's inquiry.

Circuit in In Re United States, 565 F.2d 19 (2nd Cir. 1977), and In Re Attorney General of the United States, 596 F.2d 58 (2nd Cir. 1979).

The latter two opinions arose out of an action by the Socialist Workers Party alleging that the Federal Bureau of Investigation had engaged in a massive campaign of illegal investigative activity and political harrassment. The SWP argued that the activities of the FBI's informants were central to their cause of action; however, the Court declined to order disclosure of the informants' identities. Instead, several informant files were examined by a Special Master for the purpose of distilling the facts pertinent to the civil action and creating a factual report which could be used as evidence but would not disclose informant identities. 596 F.2d at 67-68.

In Black, supra, the plaintiff argued that if an informant joined with the defendant government agents in wrongful conduct, the informant privilege would be outweighed by the plaintiffs' need to pursue the civil action. The Court disagreed with their proposition and stated that among the issues that must be considered are the informant's awareness, or not, of the police misconduct and the plaintiff's interest in disclosure. 564 F.2d at 554-55.

These cases support the notion that if a plaintiff can pursue his cause of action on the basis of an informant's activity, disclosure of the identity is not warranted. In the instant case, however, plaintiffs know the name of the person believed to have engaged in wrongful conduct, but they have not determined whether he was acting as an informant under the direction of a defendant government agent.

The considerations underlying the informant privilege should preclude the government from routinely being required to admit or deny whether named persons were informants. Clearly, it would be illogical to require the government to claim privilege only where the named person was an informant. The privilege would collapse.

An approach to balancing the competing interests may be the following. The government should not be required to admit or deny whether a named person was an informant unless that is the sole element which must be established in determining whether the defendant government agent is liable in damages to the plaintiff. The relevant inquiries could include: Does the plaintiff have substantial evidence to show that the person engaged in misconduct? What evidence does the plaintiff have to show that the person was in fact acting under the direction of the defendant? Can the plaintiff prove his claim, or can the defendant prove his defense, in the absence of an admission or denial by the government?

Other questions and consideration may be useful in any particular circumstance. With respect to Steve Wilcox, the federal defendants simply note that it does not appear that plaintiffs ever inquired whether he was or was not an informant for the Federal Bureau of Investigation.

II. Church Committee Report

Plaintiffs propose to submit various excerpts of the Church Committee Report, and they argue that these excerpts are admissible, though hearsay, under Rule 803(8)(C), Federal Rules of Evidence, as factual findings resulting from an investigation made pursuant to authority granted by law.

Many of the excerpts are cumulative or simply descriptive of exhibits and testimony plaintiffs have introduced or will introduce. See, e.g., excerpts 9, 10, 11, 12, 13, 14, 15, 17, 18, 26, 27, and 28. Many are, because of being removed from their context, potentially misleading. See, e.g., excerpts 6, 7, 8, 23, and 41. This problem is accentuated by the fact that the Report describes programs not at issue in this action. In addition, rule 803(8)(C)b does not permit admission of opinions which would replace the jury's judgment of the facts. Opinions embracing the probable cause of an accident, the negilgience of a defendant, or legality of an act should not be admitted. See Weinstein's Evidence, Vol. 4, § 803(8 [03]; and Smith v. Ithaca Corp., 612 F.2d 215, 221-22 (5th Cir. 1980). Certain of the excerpts proposed

by plaintiffs contain such conclusions, e.g., excerpts 5, 19, 36, and the last sentence of 42.

Certain of the excerpts pertain to matters not material to this civil action, and their admission could tend to mislead or prejudice the jury. See, e.g., excerpts 23, 24, 34, 37, and 41.

III. The Winkleman Report

The statement of Charles Marcum, a transcript of which is included in the materials accompanying the so-called Winkleman Report, is not admissible under any exception to the hearsay rule.

The statement was made 4 to 6 years following the incidents described, consequently it does not qualify as a recorded recollection, Rule 803(5), because at the time of the statement the matter could not have been fresh in his memory.

The statement does not qualify as former testimony under Rule 804(b)(1), because none of the elements of that rule, particularly the opportunity of the parties to develop the testimony by direct or cross examination, are satisfied.

The statement is not an admission against interest under Rule 804(b)(3), because Marcum was given immunity from criminal prosecution, and there is nothing in the testimony to indicate that he was aware of the possibility, if any, of civil proceedings against him. Furthermore, Marcum's statement is mixed. Parts inculpate him, but he tries to implicate others. In addition, much of his testimony is not first hand but purports to be his recollection of the statements of others. The "hearsay within hearsay" should be excluded unless the second level hearsay falls within an exception. Rule 805.

If the Court finds that Marcum's statement is admissible, only those parts against his interest should be admitted, or, in the alternative, the Court should explain to the jury why the statement is being admitted. See Weinstein's Evidence, Vol. 4, §804(b)(3) [02].

Respectfully submitted,

J. PAUL McGRATH
Assistant Attorney General

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Brook Hedge
BROOK HEDGE

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Attorneys for Federal Defendants

CERT

Personally Served on counsel.

D.H.W.
11/30/91

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JULIUS HOBSON, et al., Plaintiffs,	)	Filed Dec. 19, 1981
v.	)	Civil Action No. 76-1326
JERRY WILSON, et al., Defendants.	)	

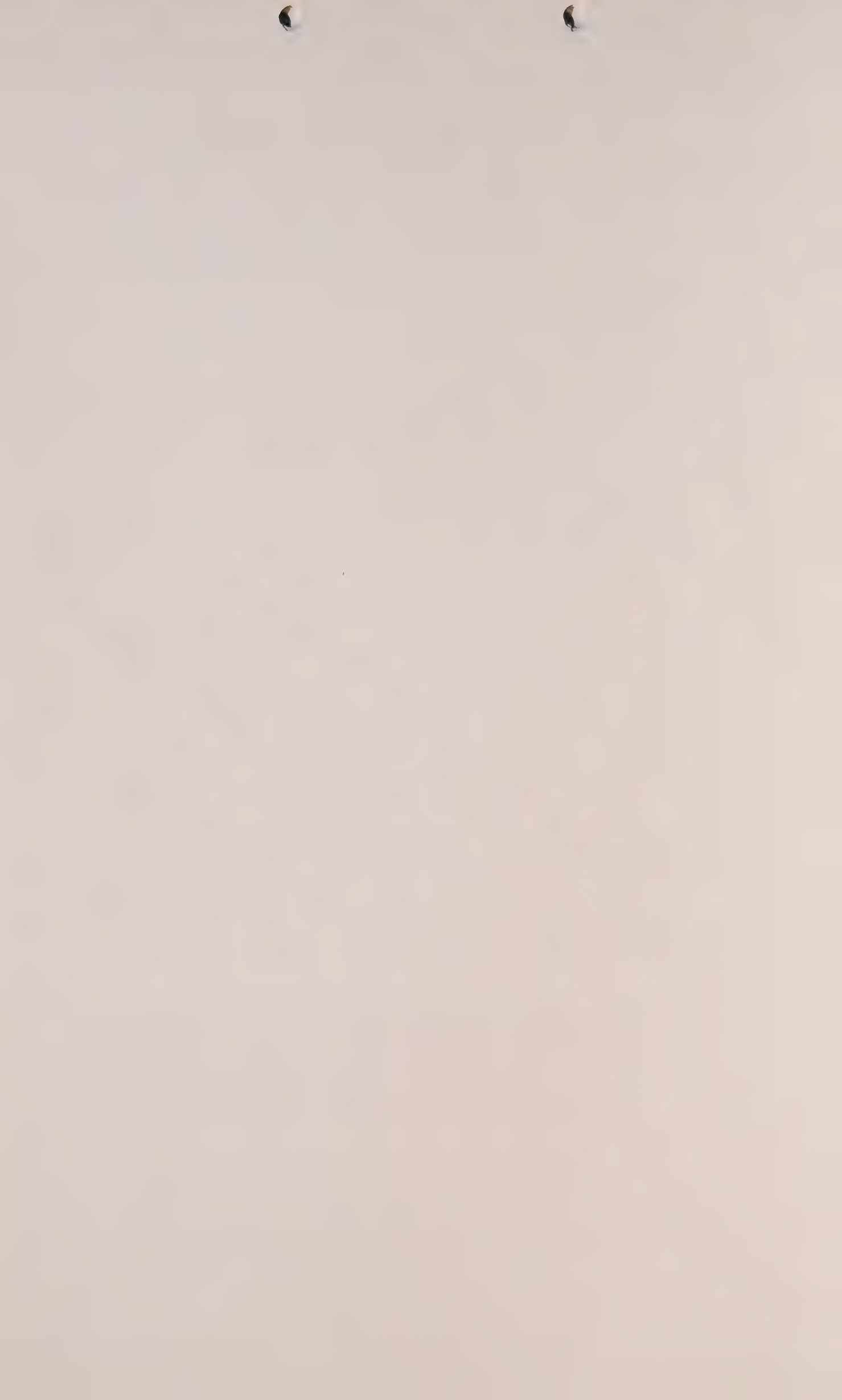
PLAINTIFFS' MEMORANDUM OF LAW
ON THE ISSUE OF THE AVAILABILITY OF THE DEFENSE
OF GOOD FAITH TO DEFENDANTS

Defendants contend that the defense of good faith or qualified immunity protects them from liability for acts committed by them that violated plaintiffs' constitutional or other rights. Under both the facts of this case and the controlling case law, their assertion of this defense is without foundation. As to both sets of defendants, the threshhold determination is whether, in light of "all the circumstances as they reasonably appeared at the time of the action on which liability is sought to be based", Scheuer v. Rhodes, 416 U.S. 232, 247 (1974), defendants undertook the actions in question "in good faith fulfillment of their responsibilities and within the bounds of reason." Wood v. Strickland, 420 U.S. 308, 321 (1975). While the elements of good faith defined by the courts are not identical for the two sets of defendants, neither is in a position validly to assert the defense.

I.

FEDERAL DEFENDANTS' RELIANCE ON THE DEFENSE OF GOOD FAITH OR QUALIFIED IMMUNITY IS INAPPROPRIATE IN THAT THE CHALLENGED ACTIVITIES WERE CLEARLY VIOLATIVE OF RIGHTS AFFORDED PLAINTIFFS UNDER THE FIRST AMENDMENT AND CLEARLY DEFINED AS SUCH AT THE TIME THE CHALLENGED ACTIVITIES WERE IMPLEMENTED.

Evidence adduced from plaintiffs and defendants alike as to plaintiffs' activities establishes beyond a doubt that every phase of those activities and advocacy is



and was protected by the First Amendment. That plaintiffs' activities were so protected and known to be so protected at the time the federal defendants sought to expose, disrupt, or otherwise neutralize them is not subject to question.

The First Amendment guarantees and has guaranteed individuals the freedom to associate for the advancement of common beliefs. NAACP v. Alabama, 357 U.S. 449 (1958). Similarly, the First Amendment protects and has protected their organizing of and peaceful participation in demonstrations. Thornhill v. Alabama, 310 U.S. 88 (1940). This was as clear during the period in question as it is today.

The state of the law then was not only unambiguous as to the existence of the rights in question but also left no doubt that these rights were afforded the highest degree of protection under the First Amendment. Writing for the Court in 1957, Chief Justice Warren observed that

> [h]istory has amply proved the virtue of political activity by minority, dissident groups, who innumerable times have been in the vanguard of democratic thought and whose programs were ultimately accepted. Mere unorthodoxy or dissent from the prevailing mores is not to be condemned. The absence of such voices would be a symptom of grave illness in our society.

Sweezy v. New Hampshire, 354 U.S. 234, 251 (1957).

Within the context of the instant case, federal defendants are hard-pressed to raise a colorable good-faith defense. In order to do so they must be willing to ignore not only the First Amendment but also the literally hundreds of cases defining with care the scope of the freedoms protected thereunder. Federal defendants cannot ignore the First Amendment and the related case law, engage in actions violative of rights protected thereunder, and then seek to escape liability on the ground that they acted in good faith and with a reasonable belief that such actions were unlawful. */ Bivens v. Six Unknown

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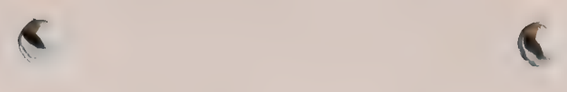
*/ Defendants cannot be heard to argue that the defense is validly asserted because at the time the challenged activities were engaged in, no court had ruled that the COINTELPRO operations were illegal. Obviously, good faith cannot turn on the fact that no court had so ruled given (continued on page 3)



Named Agents, 456 F.2d 1339, 1348 (2d Cir. 1972). To state the argument is to refute it.

II.

FEDERAL DEFENDANTS' RELIANCE ON THE DEFENSE OF GOOD FAITH OR QUALIFIED IMMUNITY IS INAPPROPRIATE IN THAT THE SCOPE AND NATURE OF THEIR OFFICIAL RESPONSIBILITIES WERE NOT OF THE KIND SUBJECT TO THE PROTECTION OF THAT DEFENSE.

Federal defendants have consistently sought to establish through their testimony that each was merely a link in a highly-bureaucratized chain of command, and that in carrying out the challenged activities, each was merely obeying directives and instructions from superiors. If indeed defendants were such ciphers, they are not entitled to the protection afforded by the good-faith defense.

It is quite clear that the law affords special protections to these officials with special responsibilities. Thus, "the higher the post, the broader the range of responsibilities and duties, and the wider the scope of discretion," the greater the likelihood that the official may avail himself or herself of the defense of qualified privilege. Cf., Barr v. Mateo, 360 U.S. 564, 573 (1959).

The circumstances under which the defense is available have been stated with greater particularity in subsequent case law. Factors to be considered are: whether and the degree to which the official must exercise discretion in conjunction with his job-related tasks, whether they must weigh many factors in performing those tasks, and whether they actively participate in the formulation on long-term policy, and, finally, whether

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(Continued from page 2) the lengths to which federal defendants went to keep the program shrouded in secrecy.

Further, we find it ironic that despite the unambiguous state of the law, defendants claim they had no idea their activities were or might have been unlawful. These same defendants, who apparently are claiming lack of knowledge concerning the existence of the First Amendment, raise the statute of limitations as a bar and urge that plaintiffs knew or should have known of the existence of a hitherto secret government program on the basis of a single court opinion and an article in a weekly publication.

they regularly had to make decisions under circumstances obviously requiring prompt action. Wood v. Strickland, 420 U.S. 308, 318, 319 and passim (1975).

Here, if federal defendants' testimony is taken at face value, the defense of good faith or qualified immunity is unavailable. They sought to establish that they exercised little or no discretion in the performance of their duties and implemented policies only after such were duly approved by superiors. The passing of hundreds of memoranda up-and-down the bureaucratic chain-of-command belies any claim that the federal defendants were regularly responsible for making decisions under circumstances requiring prompt action. Having testified that such were the facts as to the nature of their official functions, federal defendants are no longer in a position validly to assert the defense at issue.

III.

THE DISTRICT OF COLUMBIA DEFENDANTS ARE NOT ENTITLED TO ASSERT THE DEFENSE OF GOOD FAITH OR QUALIFIED IMMUNITY IN THAT THEY KNEW OR REASONABLY SHOULD HAVE KNOWN THAT THE CHALLENGED ACTS VIOLATED PLAINTIFFS' CONSTITUTIONAL RIGHTS.

Those activities engaged in by plaintiffs are, as we have already discussed in Point I at pages 1-3, infra, not only protected by the First Amendment but also entitled to the highest degree of protection pursuant to the amendment and those cases that delineate its scope. There can be no issue that the law was wholly unambiguous in these regards during the period in question.

In carrying out the challenged acts, the District of Columbia defendants deprived themselves of the availability of the good faith defense. Given the instant plaintiffs, the nature of the challenged acts, and the state of the law during the period in question, such conclusion is inescapable.

Wood v. Strickland, 420 U.S. 308 (1975), defines those circumstances under which a state or other local official

may justifiably rely on a good faith or qualified immunity defense. The defense is unavailable where the official "knew or reasonably should have known that the action he took ... would violate ... constitutional rights..., or if he took the action with the malicious intention to cause a deprivation of constitutional rights or other injury...." Id., at 322. Further, and more important, an act in violation of an individual's constitutional rights, committed in ignorance of or with disregard for settled, indisputable law, is not justifiable even if the official was acting sincerely and with the belief that he was doing right. Id., at 321.

Under the instant facts, Wood makes quite clear that the defense is inapplicable. Two facts and two facts alone control: the challenged acts violated plaintiffs' constitutional rights, and the state of the law as to the existence and scope of those rights was settled and indisputable. Thus, it becomes immaterial whether or not the District of Columbia defendants acted in good faith. If such result seems harsh, the consideration is unavailing. As the Wood decision observes, the imposition of that standard of conduct on officials is not "an unwarranted burden in light of the value which civil rights have in our legal system." Wood v. Strickland, 420 U.S. at 322.

Dated: December 14, 1981
Washington, D.C.

Respectfully submitted,

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Attorneys for plaintiffs

UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

JULIUS HOBSON, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action
	)	76-1326
JERRY WILSON, et al.,	)	
	)	
Defendants.	)	

MEMORANDUM BY FEDERAL DEFENDANTS
ON RIGHTS ALLEGED

Plaintiffs' claims in this action are that their rights of association were infringed by the conduct of the federal defendants. The conduct alleged includes:

1) distribution of annonymous leaflets purporting to attack persons or organizations;

2) publication of a newspaper known as the Rational Observer;

3) distribution of reprinted newspaper articles;

4) preparation of "news releases" to be given to newspaper reporters;

5) distribution of fictitious housing forms;

6) interference with demonstrators radio communications network; and

7) inclusion of plaintiffs' names in compilations known as the Security Index and the Agitator Index.

Plaintiffs do not claim that they were themselves deprived of the opportunity or the ability to speak, to write, or to assemble. Their basic claim is that obstacles were placed in their way in gaining contributions, assistance, or attendance of others in connection with their plans for demonstrations.

With regard to whether the alleged conduct of defendants violated clearly established constitutional rights, the following observations are appropriate.

The Supreme court has held that government disclosures which are alleged to be defamatory or stigmatizing do not implicate constitutional rights in the absence of an actual deprivation of property or liberty. Paul v. Davis, 424 U.S. 693 (1976). Thus, notwithstanding the perceived impropriety of the anonymous leaflets, reprints of newspaper articles, "news releases", and the publication of the Rational Observer, no constitional violation occurs where no direct interference with liberty or property occurs, such as loss of employment or loss of right guaranteed by state or federal law. Stigmatization or loss of reputation alone is not constitutional injury. Paul v. Davis, supra; see also Reilly v. Leonard, 459 F. Supp. 291 (D.C. Conn. 1978) (Publication of a police report concluding that plaintiff had murdered his mother did not violate rights guaranteed by the Constitution).

Furthermore, such an official publication by the Government that an organization in subversive, does not deprive the organization of any legal right or immunity. Increased difficulty in attracting audiences, enlisting members, or obtaining contributions are sanctions applied by public disapproval, not by law. Joint Anti-Fascist Refuee Comm. v. McGrath, 342 U.S. 123, 183-184 (Jackson, J., concurring) (1951). A fortiori, lists maintained in confidence by the Department of Justice of persons believed to be particularly dangerous are not themselves unconstitutional where no actual deprivation or sanction occurs.

Respectfully, submitted,

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Assistant Attorney General

CHARLES F.C. RUFF
United States Attorney

Brook Hedge /by DDO
BROOK HEDGE

David H. White /by DDO
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10th & Penn. Ave. N.W.
Washington, D.C. 20530
Tel: (202) 633-4269

Attorneys for federal
defendants.

CERTIFICATE OF SERVICE

I certify tht this Memorandum was this 14th day of December, 1981, served personally on all counsel of record.

David H. White/by FOD

DAVID H. WHITE

UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

JULIUS HOBSON, et al., Plaintiffs, v. JERRY WILSON, et al., Defendants.	)	Civil Action 76-1326

GENERAL VERDICT ACCOMPANIED BY ANSWERS TO INTERROGATORIES - FBI Proposed

VERDICT

We, the jury, find for the defendants.

Date:

FOREMAN

or

We, the jury, find for plaintiffs as against each defendant in the amounts stated:

1.	Abe Bloom	Amount
	Charles D. Brennan	
	George C. Moore	
	Courtland J. Jones	
	Gerould W. Pangburn	
	Gerald T. Grimaldi	
	Jerry V. Wilson	
	Thomas J. Herlihy	

Amount

Jack L. Acree

Christopher J. Scrapper

Edward J. Jagen

George R. Suter

John W. Mahaney

Ann Kolego Markovich

District of Columbia

2. Sammie Abbott

Charles D. Brennan

George C. Moore

Courtland J. Jones

Gerould W. Pangburn

Gerald T. Grimaldi

Jerry V. Wilson

Amount

Thomas J. Herlihy

Jack L. Acree

Christopher J. Scrapper

Edward J. Jagen

George R. Suter

John W. Mahaney

Ann Kolego Markovich

District of Columbia

3. Arthur Waskow

Charles D. Brennan

George C. Moore

Courtland J. Jones

Gerould W. Pangburn

Gerald T. Grimaldi

Jerry V. Wilson

Thomas J. Herlihy

Jack L. Acree

Amount

Christopher J. Scrapper

Edward J. Jagen

George R. Suter

John W. Mahaney

Ann Kolego Markovich

District of Columbia

4. Richard Pollock

Charles D. Brennan

George C. Moore

Courtland J. Jones

Gerould W. Pangburn

Gerald T. Grimaldi

Jerry V. Wilson

Thomas J. Herlihy

Amount

Jack L. Acree

Christopher J. Scrapper

Edward J. Jagen

George R. Suter

John W. Mahaney

Ann Kolego Markovich

District of Columbia

5. David Eaton

Charles D. Brennan

George C. Moore

Courtland J. Jones

Gerould W. Pangburn

Gerald T. Grimaldi

Gerould W. Pangburn

Jerry V. Wilson

Amount

Thomas J. Herlihy

Jack L. Acree

Christopher J. Scrapper

Edward J. Jagen

George R. Suter

John W. Mahaney

Ann Kolego Markovich

District of Columbia

6. Reginald Booker

Charles D. Brennan

George C. Moore

Courtland J. Jones

Gerald T. Grimaldi

Gerould W. Pangburn

Amount

Jerry V. Wilson

Thomas J. Herlihy

Jack L. Acree

Christopher J. Scrapper

Edward J. Jagen

George R. Suter

John W. Mahaney

Ann Kolego Markovich

District of Columbia

7. Tina Hobson

Charles D. Brennan

George C. Moore

Courtland J. Jones

Gerald T. Grimaldi

Gerould W. Pangburn

Jerry V. Wilson

Amount

Thomas J. Herlihy

Jack L. Acree

Christopher J. Scrapper

Edward J. Jagen

George R. Suter

John W. Mahaney

Ann Kolego Markovich

District of Columbia

8. Washington Peace Center

Charles D. Brennan

George C. Moore

Courtland J. Jones

Gerould W. Pangburn

Gerald T. Grimaldi

Jerry V. Wilson

Amount

Thomas J. Herlihy

Jack L. Acree

Christopher J. Scrapper

Edward J. Jagen

George R. Suter

John W. Mahaney

Ann Kolego Markovich

District of Columbia

9. Washington Area Women Strike For Peace

Charles D. Brennan

George C. Moore

Courtland J. Jones

Gerould W. Pangburn

Gerald T. Grimaldi

Amount

Jerry V. Wilson

Thomas J. Herlihy

Jack L. Acree

Christopher L. Scrapper

Edward J. Jagen

George R. Suter

John W. Mahaney

Ann Kolego Markovich

District of Columbia

Date:

_____

FOREMAN

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JULIUS HOBSON, et al., Plaintiffs,	)	
v.	)	Civil Action No. 76-1326
JERRY WILSON, et al., Defendants.	)	

ANSWERS OF JURY TO
WRITTEN INTERROGATORIES

Did each plaintiff believe, or have reason to believe, prior to July 16, 1973, that he had grounds to bring suit against agents of the Federal Bureau of Investigation or officers of the Metropolitan Police Department?

Abe Bloom _____

Sammie Abbott _____

Reginald Booker _____

Richard Pollock _____

Arthur Waskow _____

David Eaton _____

Tina Hobson _____

Washington Peace Center _____

Washington Area Women Strike For Peace _____

Did each of the defendants have a duty to disclose information, prior to July 16, 1973, to plaintiffs regarding their actions as FBI agents or police officers?

Charles D. Brennan _____

George C. Moore _____

Courtland J. Jones _____

Gerald T. Grimaldi _____

Gerould W. Pangburn _____

Jerry Wilson _____

Thomas J. Herlihy _____

Jack L. Acree _____

Christopher J. Scrapper _____

Edward J. Jagen _____

George R. Suter _____

John W. Mahaney _____

Ann Kolego Markovich _____

District of Columbia _____

Did any defendant commit an act or make a statement for the purpose of deliberately concealing from any plaintiff information which would have alerted the plaintiff that he had grounds for a suit against that defendant?

Charles D. Brennan _____

George C. Moore _____

Courtland J. Jones _____

Gerald T. Grimaldi _____

Gerould W. Pangburn _____

Jerry Wilson _____

Thomas J. Herlihy _____

Jack L. Acree _____

Christopher J. Scrapper _____

Edward J. Jagen _____

George R. Suter _____

John W. Mahaney _____

Ann Kolego Markovich _____

District of Columbia _____

Did any act or event occur which injured any plaintiff's person?

Abe Bloom _____

Sammie Abbott _____

Reginald Booker _____

Richard Pollock _____

Arthur Waskow _____

David Eaton _____

Tina Hobson _____

Washington Peace Center _____

Washington Area Women Strike For Peace _____

Did any act or event occur which injured any plaintiff's property?

Abe Bloom _____

Sammie Abbott _____

Reginald Booker _____

Richard Pollock _____

Arthur Waskow _____

David Eaton _____

Tina Hobson _____

Washington Peace Center _____

Washington Area Women Strike For Peace _____

Did any act or event occur which injured any plaintiff's constitutional rights?

Abe Bloom _____

Sammie Abbott _____

Reginald Booker _____

Richard Pollock _____

Arthur Waskow _____

David Eaton _____

Tina Hobson _____

Washington Peace Center _____

Washington Area Women Strike For Peace _____

Did any defendant commit an act or personally participate in an act which injured any plaintiff's person?

Charles D. Brennan _____

George C. Moore _____

Courtland J. Jones _____

Gerald T. Grimaldi _____

Gerould W. Pangburn _____

Jerry Wilson _____

Thomas J. Herlihy _____

Jack L. Acree _____

Christopher J. Scrapper _____

Edward J. Jagen _____

George R. Suter _____

John W. Mahaney _____

Ann Kolego Markovich _____

District of Columbia _____

Did any defendant commit an act or personally participate in an act which injured any plaintiff's property?

Charles D. Brennan _____

George C. Moore _____

Courtland J. Jones _____

Gerald T. Grimaldi _____

Gerould W. Pangburn _____

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Ann Kolego Markovich _____

District of Columbia _____

Did any defendant commit an act or personally participate in an act which injured any plaintiff's constitutional rights?

Charles D. Brennan _____

George C. Moore _____

Courtland J. Jones _____

Gerald T. Grimaldi _____

Gerould W. Pangburn _____

Jerry Wilson _____

Thomas J. Herlihy _____

Jack L. Acree _____

Christopher J. Scrapper _____

Edward J. Jagen _____

George R. Suter _____

John W. Mahaney _____

Ann Kolego Markovich _____

District of Columbia _____

Did each defendant act in his capacity as an agent of the Federal Bureau of Investigation or officer of the Metropolitan Police Department?

Charles D. Brennan _____
George C. Moore _____
Courtland J. Jones _____
Gerald T. Grimaldi _____
Gerould W. Pangburn _____
Jerry Wilson _____
Thomas J. Herlihy _____
Jack L. Acree _____
Christopher J. Scrapper _____
Edward J. Jagen _____
George R. Suter _____
John W. Mahaney _____
Ann Kolego Markovich _____
District of Columbia _____

Did each defendant act in accordance with procedures, regulations, or policies established by his superiors in the Federal Bureau of Investigation or the Metropolitan Police Department?

Charles D. Brennan _____
George C. Moore _____
Courtland J. Jones _____
Gerald T. Grimaldi _____
Gerould W. Pangburn _____
Jerry Wilson _____
Thomas J. Herlihy _____
Jack L. Acree _____
Christopher J. Scrapper _____
Edward J. Jagen _____
George R. Suter _____
John W. Mahaney _____
Ann Kolego Markovich _____
District of Columbia _____

Did each defendant believe that his actions were proper?

Charles D. Brennan _____

George C. Moore _____

Courtland J. Jones _____

Gerald T. Grimaldi _____

Gerould W. Pangburn _____

Jerry Wilson _____

Thomas J. Herlihy _____

Jack L. Acree _____

Christopher J. Scrapper _____

Edward J. Jagen _____

George R. Suter _____

John W. Mahaney _____

Ann Kolego Markovich _____

District of Columbia _____

Was each defendant's belief that his actions were proper a reasonable belief to have under the circumstances that existed at the time of his act?

Charles D. Brennan _____

George C. Moore _____

Courtland J. Jones _____

Gerald T. Grimaldi _____

Gerould W. Pangburn _____

Jerry Wilson _____

Thomas J. Herlihy _____

Jack L. Acree _____

Christopher J. Scrapper _____

Edward J. Jagen _____

George R. Suter _____

John W. Mahaney _____

Ann Kolego Markovich _____

District of Columbia _____

Did any of the defendants enter into an agreement or conspiracy among themselves for the purpose of violating the rights of the plaintiffs? Please list the defendants, if any, who participated in any such conspiracy.

Did any of the defendants enter into an agreement or conspiracy among themselves for the purpose of violating the rights of the plaintiffs? Please indicate the defendants, if any, who participated in any such conspiracy.

Charles D. Brennan _____

George C. Moore _____

Courtland J. Jones _____

Gerald T. Grimaldi _____

Gerould W. Pangburn _____

Jerry Wilson _____

Thomas J. Herlihy _____

Jack L. Acree _____

Christopher J. Scrapper _____

Edward J. Jagen _____

George R. Suter _____

John W. Mahaney _____

Ann Kolego Markovich _____

District of Columbia _____

Did any of the defendants who were FBI agents enter into an agreement or conspiracy with any of the defendants who were Metropolitan Police Officers for the purpose of violating the rights of the plaintiffs? Please indicate the defendants, if any, who participated in such a conspiracy.

Charles D. Brennan _____

George C. Moore _____

Courtland J. Jones _____

Gerald T. Grimaldi _____

Gerould W. Pangburn _____

Jerry Wilson _____

Thomas J. Herlihy _____

Jack L. Acree _____

Christopher J. Scrapper _____

Edward J. Jagen _____

George R. Suter _____

John W. Mahaney _____

Ann Kolego Markovich _____

District of Columbia _____

Did any of the defendants commit an act, as a result of any such conspiracy, which caused injury to the person of any plaintiff? Please indicate the defendants, if any, who committed any such act, and the plaintiffs, if any, who were injured.

Defendants:

Charles D. Brennan _____

George C. Moore _____

Courtland J. Jones _____

Gerald T. Grimaldi _____

Gerould W. Pangburn _____

Jerry Wilson _____

Thomas J. Herlihy _____

Jack L. Acree _____

Christopher J. Scrapper _____

Edward J. Jagen _____

George R. Suter _____

John W. Mahaney _____

Ann Kolego Markovich _____

District of Columbia _____

Plaintiffs:

Abe Bloom _____

Sammie Abbott _____

Reginald Booker _____

Richard Pollock _____

Arthur Waskow _____

David Eaton _____

Tina Hobson _____

Washington Peace Center _____

Washington Area Women Strike For Peace _____

Did any of the defendants commit an act, as a result of any such conspiracy, which caused injury to the property of any plaintiff? Please indicate the defendants, if any, who committed any such act, and the plaintiffs, if any, who were injured.

Defendants:

Charles D. Brennan _____

George C. Moore _____

Courtland J. Jones _____

Gerald T. Grimaldi _____

Gerould W. Pangburn _____

Jerry Wilson _____

Thomas J. Herlihy _____

Jack L. Acree _____

Christopher J. Scrapper _____

Edward J. Jagen _____

George R. Suter _____

John W. Mahaney _____

Ann Kolego Markovich _____

District of Columbia _____

Plaintiffs:

Abe Bloom _____

Sammie Abbott _____

Reginald Booker _____

Richard Pollock _____

Arthur Waskow _____

David Eaton _____

Tina Hobson _____

Washington Peace Center _____

Washington Area Women Strike For Peace _____

Did any of the defendants commit an act, as a result of any such conspiracy, which caused injury to the constitutional rights of any plaintiff? Please indicate the defendants, if any, who committed any such act, and the plaintiffs, if any, who were injured.

Defendants:

Charles D. Brennan _____

George C. Moore _____

Courtland J. Jones _____

Gerald T. Grimaldi _____

Gerould W. Pangburn _____

Jerry Wilson _____

Thomas J. Herlihy _____

Jack L. Acree _____

Christopher J. Scrapper _____

Edward J. Jagen _____

George R. Suter _____

John W. Mahaney _____

Ann Kolego Markovich _____

District of Columbia _____

Plaintiffs:

Abe Bloom _____

Sammie Abbott _____

Reginald Booker _____

Richard Pollock _____

Arthur Waskow _____

David Eaton _____

Tina Hobson _____

Washington Peace Center _____

Washington Area Women Strike For Peace _____

Were the defendants, if any, who participated in any such conspiracy, motivated by a discriminatory bias against the race or the political beliefs and anti-war activities of the plaintiff? Please indicate the defendants, if any, who were so motivated.

Charles D. Brennan _____

George C. Moore _____

Courtland J. Jones _____

Gerald T. Grimaldi _____

Gerould W. Pangburn _____

Jerry Wilson _____

Thomas J. Herlihy _____

Jack L. Acree _____

Christopher J. Scrapper _____

Edward J. Jagen _____

George R. Suter _____

John W. Mahaney _____

Ann Kolego Markovich _____

District of Columbia _____

Date: _____ _____
FOREMAN

Cover Sheet for Informant Report or Memo
FD-306 (Rev. 9-30-69)

B

Date prepared
12/19/73

Date received

Received from (name or symbol number)
[redacted]

Received by
SA DAVID RARITY, JR.

Method of delivery (check appropriate blocks)

[X] in person [ ] by telephone [ ] by mail [ ] orally [ ] recording device [X] written by Informant

If orally furnished and reduced to writing by Agent:
Date

Dictated _____ to _____

Transcribed _____

Authenticated by Informant _____

Date of Report
12/19/73

Date(s) of activity
12/3/73 - 12/24/73

B

Brief description of activity or material

PEOPLE ATTENDING IMPEACHMENT MEETINGS IN WDC

FROM 12/3-24/73.

File where original is located if not attached
[redacted]

* INDIVIDUALS DESIGNATED BY AN ASTERISK (*) ONLY ATTENDED A MEETING AND DID NOT ACTIVELY PARTICIPATE. VIOLENCE OR REVOLUTIONARY ACTIVITIES WERE NOT DISCUSSED.

[ ] Information recorded on a card index by _____ on date _____.

Remarks:

(5) WFO

INFORMANT HAS FURNISHED RELIABLE INFORMATION IN THE PAST.

INDEX

D

[redacted]

(1)-105-50397 (A. WASKOW)

[redacted]

D

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105-50397-460
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DR/jca
(5)

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

JULIUS HOBSON, et al	:	
Plaintiffs	:	
v.	:	Civil Action No. 76-1326
JERRY WILSON, et al	:	
Defendants	:	

VERDICT FORM FOR THE DISTRICT OF COLUMBIA DEFENDANTS

(1) If you find in favor of all District of Columbia defendants as to all plaintiffs claims, then check this box ☐ and have your foreperson sign the verdict form in the space provided below, and advise the Court that you have reached a verdict. You need not deliberate further or check any other boxes.

(2) If you find that some or all District of Columbia defendants violated some or all plaintiffs rights under the Constitution, and you further find that such violation of rights in fact caused any injury or damage to some or all of the plaintiffs, then check the appropriate box or boxes below to indicate the plaintiff in favor of whom you are finding, the amount of damages, if any, you are awarding to that plaintiff, and the defendant or defendants, against whom you are making this award. As to each plaintiff check either Column A or Column B. If you check Column B for any plaintiff, then also indicate the amount of damages, if any, you are awarding that plaintiff and the District of Columbia defendant or defendants against whom you are making that award.

PLAINTIFF	COLUMN A	OR	COLUMN B		
	The jury finds in favor of the District of Columbia defendants as to this plaintiff.		The jury finds in favor of this plaintiff.	In this amount.	Against the defend. t or defendants named here
1. Abe Bloom	/___/	Or	/___/	_____	_____
2. Arthur I.Waskow	/___/	Or	/___/	_____	_____
3. Tina Hobson	/___/	Or	/___/	_____	_____
4. Rev. David Eaton	/___/	Or	/___/	_____	_____
5. Sammie A. Abbott	/___/	Or	/___/	_____	_____
6. Richard P. Pollack	/___/	Or	/___/	_____	_____
7. Washington Peace Center	/___/	Or	/___/	_____	_____
8. Washington Area Women Strike for Peace	/___/	Or	/___/	_____	_____
9. Reginald H. Booker	/___/	Or	/___/	_____	_____

3. Do you award punitive damages against any D.C defendants in this case. If yes state the name of the defendant against whom you have awarded such punitive damages, in the plaintiff to whom you award such punitive damages, in the amount of such damages.

DATE _____ TIME _____ FOREPERSON _____

	Prepared 9/24/73
Date received 9/24/73	Received from (name or symbol number) [redacted]
	Received by SA WILLIAM NICHOLSON IV

Method of delivery (check appropriate blocks)

XX in person ☐ by telephone ☐ by mail ☐ orally ☐ recording device ☐ written by Inform

If orally furnished and reduced to writing by Agent:
Date

Dictated _____ to _____

Transcribed _____

Authenticated by Informant _____

Date of Report 9/21/73

Date(s) of activity September 1973

Brief description of activity or material

United Farmworkers new office location;

Activity of FRED BRANFMAN and WASH. PEACE CENTER, AND THE INDOCHINA RESOURCE CENTER.

File where original is l[illegible]d if not attache[illegible] [redacted]

* INDIVIDUALS DESIGNATED BY AN ASTERISK (*) ONLY ATTENDED A MEETING AND DID NOT ACTIVELY PARTICIPAT VIOLENCE OR REVOLUTIONARY ACTIVITIES WERE NOT DISCUSSED.

☐ Information recorded on a card index by _____ on date _____.

Remarks: SOURCE HAS FURNISHED RELIABLE INFORMATION IN THE PAST.

[redacted] 100-43152 (WPC) INDEX

F D [redacted]

1 - 100-39566 (WSP)

[redacted]

(8)
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Block Stamp

100-39566-30[illegible]
SEARCHED ___ INDEXED ___
SERIALIZED ___ FILED ___
SEP 25 1973
FBI - WASH. F/O.

9921

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JULIUS HOBSON, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action
	)	No. 76-1326
JERRY WILSON, et al.,	)	
	)	
Defendants.	)	
	)	

FEDERAL DEFENDANTS' PROPOSED VERDICT FORM

Federal defendants, pursuant to Rule 49(b) of the Federal Rules of Civil Procedure, request a general verdict accompanied by answers to interrogatories. Federal defendants propose the following interrogatories:

1. Did each plaintiff believe, or have reason to believe, prior to July 16, 1973, that he had grounds to bring suit against agents of the Federal Bureau of Investigation or officers of the Metropolitan Police Department? [List each plaintiff]

2. Did each of the defendants have a duty to disclose information, prior to July 16, 1973, to plaintiffs regarding their actions as FBI agents or police officers? [List each defendant]

3. Did any defendant commit an act or make a statement for the purpose of deliberately concealing from any plaintiff information which would have alerted the plaintiff that he had grounds for a suit against that defendant? [List each defendant]

4. Did any act or event occur which injured any plaintiff's person? [List each plaintiff]

5. Did any act or event occur which injured any plaintiff's property? [List each plaintiff]

6. Did any act or event occur which injured any plaintiff's constitutional rights? [List each plaintiff]

7. Did any defendant commit an act or personally participate in an act which injured any plaintiff's person? [List each defendant]

8. Did any defendant commit an act or personally participate in an act which injured any plaintiff's property? [List each defendant]

9. Did any defendant commit an act or personally participate in an act which injured any plaintiff's constitutional rights? [List each defendant]

10. Did each defendant act in his capacity as an agent of the Federal Bureau of Investigation or officer of the Metropolitan Police Department. [List each Defendant]

11. Did each defendant act in accordance with procedures, regulations, or policies established by his superiors in the Federal Bureau of Investigation or the Metropolitan Police Department? [List each defendant]

12. Did each defendant believe that his actions were proper? [List each defendant]

13. Was each defendant's belief that his actions were proper a reasonable belief to have under the circumstances that existed at the time of his act? [List each defendant]

14. Did any of the defendants enter into an agreement or conspiracy among themselves for the purpose of violating the rights of the plaintiffs? Please list the defendants, if any, who participated in any such conspiracy.

15. Did any of the defendants who were FBI agents enter into an agreement or conspiracy with any of the defendants who were Metropolitan Police Officers for the purpose of violating the rights of the plaintiffs? Please list the defendants, if any, who participated in such a conspiracy.

16. Did any of the defendants commit an act, as a result of any such conspiracy, which caused injury to the person of any plaintiff? Please list the defendants, if any, who committed any such act, and the plaintiffs, if any, who were injured.

17. Did any of the defendants commit an act, as a result of any such conspiracy, which caused injury to the property of any plaintiff? Please list the defendants, if any, who committed any such act, and the plaintiffs, if any, who were injured.

18. Did any of the defendants commit an act, as a result of any such conspiracy, which caused injury to the constitutional rights of any plaintiff? Please list the defendants, if any,

who committed any such act, and the plaintiffs, if any, who were injured.

19. Were the defendants, if any, who participated in any such conspiracy, motivated by a discriminatory bias against the race, sex, or other characteristic of the plaintiff?

Federal defendants reserve the right to modify these interrogatories or to propose additional interrogatories as necessary in light of the evidence presented at trial.

Respectfully submitted,

J. PAUL McGRATH
Assistant Attorney General

CHARLES F. C. RUFF
United States Attorney

BROOK HEDGE

DAVID H. WHITE

Attorneys, Department of Justice
10th & Constitution Avenue, N.W.
Washington, D.C. 20530
Telephone: (202) 633-4269

Attorneys for federal defendants

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